REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claims 1 and 19. Applicant respectfully submits no new matter has been added. Accordingly. claims 1-17 and 19-20 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 112

Claims 1-17 stand rejected under 35 U.S.C. 112. second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. Claims 1 and 19 have been amended to correct the antecedent basis problem. The remaining claims, 2-17 are rejected because of their dependency on rejected claim 1. The Applicants respectfully submit that remaining dependent claims 2-17 are now allowable.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 1-17, 19 and 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ejzak (20030027569 A1), (hereinafter Ejzak). The Applicant respectfully traverses the rejection of these claims.

The Applicant respectfully submits that the portions of the Ejzak reference cited against the limitations of the Applicant's claim 1 do not anticipate all the limitations of claim 1. The Ejzak reference provides a communication <u>system</u> "having features and services that can be utilized by both circuit switched and packet switched mobile units (para 0007). The Applicant's invention discloses a switching <u>node</u> in a communication system that operates in both a layered and non-layered environment. In other words, the Applicant's claimed node allows operations in both environments. When a request is presented to the node (not the system), the node determines the protocol of the request in order to set the operation mode of the switching node. Ejzak lacks the limitations of determining if a switching <u>node</u> (not system) operates in a layered or non-layered environment based on the determination of the <u>protocol</u> of a request. This being the

case, the Applicant respectfully requests the withdrawal of the rejection of claim 1 and claim 19, which is analogous to claim 1 and contains similar limitations; in particular, the use of a protocol to determine operation mode of the switching node.

Claims 2-17 and 20 depend respectively from claims 1 and 19 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 2-17 and 20 is also respectfully requested.
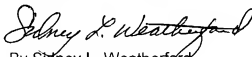
Prior Art Not Relied Upon

In paragraph 5 on page 11 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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